

REMARKS

In response to the Office Action dated October 24, 2006, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-10 are pending in the present Application. Claims 1 and 6 are amended leaving Claims 1-10 for consideration upon entry of the present amendments and following remarks.

Support for the claim amendments can at least be found in the specification, the figures, and the claims as originally filed. Particularly, the support for amended Claims 1 and 6 is at least found in the specification at Page 14, lines 17-23, Page 19, line 3 to Page 20, line 12 and Figure 5.

No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claim Rejections Under 35 U.S.C. §102

Claims 1 and 2 are rejected under 35 U.S.C. §102(e) over Oberg et al., U.S. Patent Publication No. 2005/0084262 (hereinafter "Oberg '262"). Applicants respectfully traverse the rejections.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Amended Claim 1 recites, *inter alia*,

"remote nodes including redundancy MCs respectively coupled to the bi-directional add/drop devices, each of the redundancy MCs functioning to detect a line breakage by checking whether an erroneous event corresponds to a link error caused by reflection or a system error, and to transmit an optical signal only in a clockwise or counter-clockwise direction in accordance with the result of the detection."

In the Office action at Page 3, Figure 2 including Tx and Rx in node C of Oberg '262 are considered as disclosing the "remote nodes including redundancy MCs" of the claimed invention. Oberg '262 does not disclose each of the redundancy MCs functioning to detect a line

breakage by checking whether an erroneous event corresponds to a link error caused by reflection or a system error of amended Claim 1.

Thus, Oberg '262 does not disclose all of the limitations of amended Claim 1. Accordingly, Oberg '262 does not anticipate amended Claim 1. Applicant respectfully submits that amended Claim 1 is not further rejected or objected and is therefore allowable. Claim 2 depends from Claim 1 and is correspondingly allowable. Reconsideration, withdrawal of the relevant §102 rejections and allowance of Claims 1 and 2 are respectfully requested.

Claim Rejections Under 35 U.S.C. §103

Claims 3 and 9

Claims 3 and 9 are rejected under §103(a) as being unpatentable over Oberg '262 in view of Oberg et al., U.S. Patent Publication No. 2003/0128984 (hereinafter "Oberg '984). Applicants respectfully traverse the rejections.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claims 3 and 9 variously depend from Claim 1 and inherit all of the limitations of amended Claim 1. As discussed above, Oberg '262 fails to disclose all of the limitations of amended Claim 1.

Oberg '984 does not teach or suggest each of the redundancy MCs functioning to detect a line breakage by checking whether an erroneous event corresponds to a link error caused by reflection or a system error of amended Claim 1 and does not remedy the deficiencies of Oberg '262. Applicants find no suggestion or motivation in Oberg '262 and Oberg '984 or in the knowledge generally available in the art at the time of the invention to modify or combine Oberg '262 and Oberg '984 to teach the claimed invention.

Thus, Oberg '262 and Oberg '984, alone or in combination, *do not teach or suggest all of the limitations* of Claims 3 and 9. Accordingly, *prima facie* obviousness does not exist regarding Claims 3 and 9 with respect to Oberg '262 and Oberg '984.

Since Oberg '262 and Oberg '984 fail to teach or suggest all of the limitations of Claims 3 and 9, one of ordinary skill at the time of Applicants' invention would *not have a motivation to modify or combine the references, or a reasonable likelihood of success in forming the claimed invention* by modifying or combining Oberg '262 and Oberg '984. Thus, here again, *prima facie* obviousness does not exist regarding Claims 3 and 9 with respect to Oberg '262 and Oberg '984.

Thus, *prime facie* obviousness does not exist regarding Claims 3 and 9 with respect to Oberg '262 and Oberg '984. Applicants respectfully submit that Claims 3 and 9 are not further rejected or objected and are therefore allowable. Reconsideration, withdrawal of the relevant §103 rejections and allowance of Claims 3 and 9 are respectfully requested.

Claims 4-6, 8 and 10

Claims 4-6, 8 and 10 are rejected under §103(a) as being unpatentable over Oberg '262 in view of Oberg '984 in further view of Weissmann et al., U.S. Patent No. 5,333,130 (hereinafter "Weissmann"). Applicants respectfully traverse the rejections.

Claims 4 and 5 variously depend from Claim 1 and inherit all of the limitations of amended Claim 1. As discussed above, Oberg '262 and Oberg '984 fail to disclose all of the limitations of amended Claim 1.

Weissmann does not teach or suggest each of the redundancy MCs functioning to detect a line breakage by checking whether an erroneous event corresponds to a link error caused by reflection or a system error of amended Claim 1 and does not remedy the deficiencies of Oberg '262 and Oberg '984. Applicants find no suggestion or motivation in Weissmann or in the knowledge generally available in the art at the time of the invention to modify or combine Oberg '262, Oberg '984 and Weissmann to teach the claimed invention.

Thus, Oberg '262, Oberg '984 and Weissmann, alone or in combination, *do not teach or suggest all of the limitations* of Claims 4 and 5. Accordingly, *prima facie* obviousness does not exist regarding Claims 4 and 5 with respect to Oberg '262, Oberg '984 and Weissmann.

Since Oberg '262, Oberg '984 and Weissmann fail to teach or suggest all of the limitations of Claims 4 and 5, one of ordinary skill at the time of Applicants' invention would *not*

have a motivation to modify or combine the references, or a reasonable likelihood of success in forming the claimed invention by modifying or combining Oberg '262, Oberg '984 and Weissmann. Thus, here again, prima facie obviousness does not exist regarding Claims 4 and 5 with respect to Oberg '262, Oberg '984 and Weissmann.

Thus, *prime facie* obviousness does not exist regarding Claims 4 and 5 with respect to Oberg '262, Oberg '984 and Weissmann. Applicants respectfully submit that Claims 4 and 5 are not further rejected or objected and are therefore allowable. Reconsideration, withdrawal of the relevant §103 rejections and allowance of Claims 4 and 5 are respectfully requested.

Amended Claim 6 recites, *inter alia*,

“a control unit for detecting a line breakage by checking whether a erroneous event corresponds to a link error caused by reflection or a system error, and activating a selected one of the master and slave transmitting/receiving units according to the result of the detection.”

In the Office action at Page 5, it is conceded that Oberg '262 and Oberg '984 fail to disclose a control unit for detecting respective states of the master and slave transmitting/receiving units and a fiber breakage status. In the Office action, Weissmann is relied upon as disclosing a “control unit” of the claimed invention.

Claims 8 and 10 variously depend from Claim 6 and inherit all of the limitations of amended Claim 6. For all the reasons stated above with regard to amended Claim 1, Weissmann does not teach or suggest a control unit for detecting a line breakage by checking whether a erroneous event corresponds to a link error caused by reflection or a system error, and activating a selected one of the master and slave transmitting/receiving units according to the result of the detection of amended Claim 6 and does not remedy the deficiencies of Oberg '262 and Oberg '984. Applicants find no suggestion or motivation in combine Oberg '262, Oberg '984 and Weissmann or in the knowledge generally available in the art at the time of the invention to modify or combine Oberg '262, Oberg '984 and Weissmann to teach the claimed invention.

Thus, Oberg '262, Oberg '984 and Weissmann, alone or in combination, *do not teach or suggest all of the limitations* of amended Claims 6, 8 and 10. Accordingly, *prima facie* obviousness does not exist regarding Claims 6, 8 and 10 with respect to Oberg '262, Oberg '984 and Weissmann.

Since Oberg '262, Oberg '984 and Weissmann fail to teach or suggest all of the limitations of Claims 6, 8 and 10, one of ordinary skill at the time of Applicants' invention would

not have a motivation to modify or combine the references, or a reasonable likelihood of success in forming the claimed invention by modifying or combining Oberg '262, Oberg '984 and Weissmann. Thus, here again, *prima facie* obviousness does not exist regarding Claims 6, 8 and 10 with respect to Oberg '262, Oberg '984 and Weissmann.

Thus, *prime facie* obviousness does not exist regarding Claims 6, 8 and 10 with respect to Oberg '262, Oberg '984 and Weissmann. Applicants respectfully submit that Claims 6, 8 and 10 are not further rejected or objected and are therefore allowable. Reconsideration, withdrawal of the relevant §103 rejections and allowance of Claims 6, 8 and 10 are respectfully requested.

Claim 7

Claim 7 is rejected under §103(a) as being unpatentable over Oberg '262 in view of Oberg '984 and Weissmann and further in view of Kowalczyk et al., U.S. Patent No. 5,587,957 (hereinafter "Kowalczyk"). Applicants respectfully traverse the rejection.

Claim 7 variously depends from Claim 6 and inherits all of the limitations of amended Claim 6. As discussed above, Oberg '262, Oberg '984 and Weissmann fail to disclose all of the limitations of amended Claim 6.

Kowalczyk does not teach or suggest a control unit for detecting a line breakage by checking whether a erroneous event corresponds to a link error caused by reflection or a system error, and activating a selected one of the master and slave transmitting/receiving units according to the result of the detection of amended Claim 6 and does not remedy the deficiencies of Oberg '262, Oberg '984 and Weissmann. Applicants find no suggestion or motivation in Oberg '262, Oberg '984, Weissmann and Kowalczyk or in the knowledge generally available in the art at the time of the invention to modify or combine Oberg '262, Oberg '984, Weissmann and Kowalczyk to teach the claimed invention.

Thus, Oberg '262, Oberg '984, Weissmann and Kowalczyk, alone or in combination, *do not teach or suggest all of the limitations* of Claim 7. Accordingly, *prima facie* obviousness does not exist regarding Claim 7 with respect to Oberg '262, Oberg '984, Weissmann and Kowalczyk.

Since Oberg '262, Oberg '984, Weissmann and Kowalczyk fail to teach or suggest all of the limitations of Claim 7, one of ordinary skill at the time of Applicants' invention would *not have a motivation to modify or combine the references, or a reasonable likelihood of success in*

forming the claimed invention by modifying or combining Oberg '262, Oberg '984, Weissmann and Kowalczyk. Thus, here again, *prima facie* obviousness does not exist regarding Claim 7 with respect to Oberg '262, Oberg '984, Weissmann and Kowalczyk.

Thus, *prime facie* obviousness does not exist regarding Claim 7 with respect to Oberg '262, Oberg '984, Weissmann and Kowalczyk. Applicants respectfully submit that Claim 7 is not further rejected or objected and is therefore allowable. Reconsideration, withdrawal of the relevant §103 rejection and allowance of Claim 7 are respectfully requested.

Conclusion

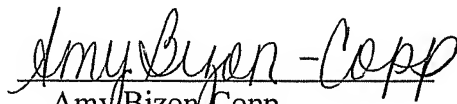
In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

Applicants hereby petition for any necessary extension of time required under 37 C.F.R. 1.136(a) or 1.136(b) which may be required for entry and consideration of the present Reply.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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